

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

| | | |
|--------------------------------|---|--------------------|
| In the matter of the |) | NOTICE OF PROPOSED |
| proposed amendment of ARM |) | AMENDMENT |
| 10.16.3136 relating to special |) | |
| education |) | NO PUBLIC HEARING |
| |) | CONTEMPLATED |

TO: All Concerned Persons

1. On June 7, 2004, the Superintendent of Public Instruction proposes to amend ARM 10.16.3136 relating to special education.

2. The Superintendent of Public Instruction will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Legal Division of the Office of Public Instruction no later than 5:00 p.m. on May 17, 2004 to advise us of the nature of the accommodation that you need. Please contact Beverly Marlow, P.O. Box 202501, Helena, MT 59620-2501, telephone: (406) 444-3172, FAX: (406) 444-2893, e-mail opirules@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.16.3136 SPECIAL EDUCATION PROFESSIONAL STAFF QUALIFICATIONS (1) through (5) remain the same.

(6) Paraprofessional personnel (e.g., teacher aide or instructional assistant) shall meet current ~~office of public instruction~~ board of public education accreditation standards under ARM ~~10.55.707~~ 10.55.715.

AUTH: Sec. 20-7-402, MCA
IMP: Sec. 20-7-403, MCA

Statement of Reasonable Necessity: The Superintendent of Public Instruction proposes to amend this rule to correct the reference to the board of public education accreditation rule that applies to teacher aides and instructional assistants.

4. Concerned persons may present their data, views or arguments concerning the proposed amendment in writing to the Superintendent of Public Instruction, 1227 11th Avenue, P.O. Box 202501, Helena, MT 59620-2501 or by e-mail to opirules@state.mt.us to be received no later than 5:00 p.m. on June 3, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make

written request for a hearing and submit this request along with any written comments they have to the Superintendent of Public Instruction, 1227 11th Avenue, P.O. Box 202501, Helena, MT 59620-2501, or by e-mail to opirules@state.mt.us. A written request for hearing must be received no later than 5:00 p.m. on June 3, 2004.

6. If the Superintendent of Public Instruction receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana administrative Register. Ten percent of those persons directly affected has been determined to be 234 persons based on 2344 special education paraprofessionals in the State of Montana.

7. The Superintendent of Public Instruction maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules promulgated by the Superintendent of Public Instruction. Such written request may be mailed or delivered to the Legal Division of the Office of Public Instruction, 1227 11th Avenue, P.O. Box 202501, Helena, MT 59620-2501, faxed to the office at (406) 444-2893, or may be made by completing a request form at any rules hearing held by the Superintendent of Public Instruction.

8. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Linda McCulloch
Linda McCulloch
Superintendent of Public Instruction

/s/ Catherine K. Warhank
Catherine K. Warhank
Rule Reviewer

Certified to the Secretary of State April 26, 2004.